

## **Remarks**

The specification and claims have been amended to provide further clarification and to provide adequate coverage for Applicants' contribution to the art. Claims 5, 6, 9, 16, 17, 20-22, 28, 29 and 32 have been canceled. The drawings have been amended to conform them to the remainder of the specification. The amendments are clearly supported by the original disclosure, particularly at page 15, lines 5-20; page 16, lines 26-28; page 17, lines 3-20; original claims 3-5 and 26; and original Figures 4-5. It is respectfully submitted that no new matter has been added.

Reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The Examiner has objected to the drawings. The Examiner has required a drawing correction to show the items identified as "102", "104" and "F". As understood by Applicants' attorney, the Examiner has also required that the drawings be corrected to show the features recited in claims 7, 10, 18, 30 and 33.

Amended FIG. 4 and amended FIG. 8 identify the features described by the designations "102", "104", and "F" that are set forth in the original specification. The feature recited in claims 7, 18 and 30 is shown in the added FIG. 6A. With regard to the feature recited in original claim 10, it is respectfully submitted that the feature is already shown in original FIG. 21. With regard to the feature recited in original claim 33, it is respectfully submitted that the feature is already shown in original FIGs. 4-5, 7-11 and 16-20. FIG. 19 has been corrected to add a missing label, "L<sub>min</sub>". It is respectfully submitted that the changes to FIG. 4 and FIG. 8, and the addition of FIG. 6A fully address the Examiner's objections to the drawings.

Accordingly, approval of the drawing changes, and withdrawal of the objections to the drawings are respectfully requested.

The Examiner has objected to the description. In view of the amendments to the description, it is respectfully submitted that the objections have been obviated.

The Examiner has objected to claims 1-34. In view of the amendments to the claims, it is respectfully submitted that the objections have been obviated.

The present invention provides an absorbent article (40) such as a labial pad configured for disposition within the vestibule (42) of a female wearer. The labial pad may be worn by human females for catamenial purposes, incontinence protection or both, and has at least one notch (100) generally formed in the periphery thereof. Further aspects of the invention are set forth in the specification and claims.

Claims 1-5, 12-16 21-22 and 24-28 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over U.S.P. 5,738,212 to Pollard et al. (hereinafter Pollard). The rejection is respectfully **traversed**.

As described by Pollard, a fibrous pads package comprises a lightweight dispensing package having a dispensing opening and a plurality of discrete fibrous pads sequentially disposed in the dispensing package in an abutting relationship with each other. Each of the plurality of fibrous pads comprises a cleansing portion and a gripping portion of a predetermined size and shape. Each of the pads may have a transitional portion between the cleansing portion and the gripping portion. The cleansing portion has a cleansing portion thickness and a cleansing portion flexural rigidity; and the gripping portion has a gripping portion thickness and a gripping portion flexural rigidity. The cleansing portion thickness is at least about 10% greater than the gripping portion thickness, and the cleansing portion flexural rigidity is at least about 100% less than the gripping portion flexural rigidity. The gripping portion has a distinct gripping edge. The gripping edges of the plurality of fibrous pads are separable from one another such that the gripping edges may be spaced apart for dispensing. Optionally, the plurality of pads may be compressed within the dispensing package.

Pollard, however, does not disclose or suggest an absorbent article configured for disposition within the vestibule of a female wearer. Pollard also does not teach an absorbent article having an absorbent situated between a cover and baffle, as called for by the currently presented claims. Neither does Pollard disclose or suggest an absorbent article having at least one notch extending through the entire z-direction thickness with the configurations called for by the claimed invention. As a result, the structures taught by Pollard would be less able to provide desired levels of leakage protection, comfort and low irritation during an intended wearing of the article. It is, therefore, readily apparent that Pollard does not disclose or suggest the invention called for by the currently presented claims.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

As understood by Applicants' attorney, claims 1-6, 8-9, 11-17, 19-20, 22-29, 31-32 and 34 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over WO 98/29078 by Procter & Gamble (hereinafter PG '078). The rejection is respectfully **traversed**.

PG '078 describes an interlabial absorbent structure. The interlabial absorbent structure comprises a pair of absorbent panels that are sufficiently flexible such that the panels can, at least partially, conform to the walls of a wearer's interlabial space. The panels are joined by an isthmus which is positioned furthest into a wearer's interlabial space when the interlabial absorbent product is worn.

Alternative embodiments of the isthmus are also described which direct bodily fluids that are deposited thereon along the longitudinal length of the interlabial absorbent structure. If desired, each panel 22 can also comprise other optional components. For example, each panel could comprise a topsheet as its body contacting surface and/or a backsheet as its rear surface. If the interlabial absorbent structure also comprises a topsheet and a backsheet, the topsheet and the backsheet are preferably joined to each other along the distal edge and the end edges of each panel. As taught by PG '078, the isthmus 24 has a measurable length (preferably slightly shorter than the length X of the panels 22) and a width which can be defined as the lateral distance between the proximal edges 23A, 23B of the panels 22. The lateral distance between the proximal edges 23A, 23B is between about 1 millimeter and about 7 millimeters.

PG '078, however, does not disclose or suggest an absorbent article having at least one notch with the sizes and configurations called for by the claimed invention. PG '078 also does not teach an absorbent article having a notch in a transverse end and another notch in a longitudinal side of the absorbent, as called for by particular claims. As a result, the structures taught by PG '078 would be less able to provide desired levels of leakage protection, comfort, flexibility and low irritation during an intended wearing of the article. It is, therefore, readily apparent that PG '078 does not disclose or suggest the invention called for by the currently presented claims.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

Claims 1-34 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over U.S. Patent 6,045,544 to Hershberger et al. (hereinafter Hershberger).

Hershberger discloses absorbent devices, and more particularly absorbent devices that are worn interlabially by female wearers for catamenial purposes, incontinence protection, or both. The absorbent interlabial device comprises a main absorbent portion with an upper portion, a lower portion opposed to the upper portion, and two ends. The upper portion faces toward the vestibule of the wearer during insertion of the device into the wearer's interlabial space and during use. The ends of the absorbent device are preferably taped so that the lower portion of the interlabial device is longer than the upper portion. The ends are also provided with at least one curvilinear segment, with the ends preferably having a sinusoidal or S-shape. The absorbent interlabial device preferably also has an arcuate pattern of discrete autogenous bonds. The combination of the preferred S-shaped ends and the arcuate bonding pattern provides greater product stiffness control for simultaneous improved comfort and handling characteristics.

Hershberger, however, does not disclose or suggest an absorbent article having at least one notch which extends through the z-direction thickness of the absorbent with the configurations called for by the claimed invention. As a result, the structures taught by Hershberger would be less able to provide desired levels of leakage protection, comfort, flexibility and low irritation during an intended wearing of the article. It is, therefore, readily apparent that Hershberger does not disclose or suggest the invention called for by the currently presented claims.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

As understood by Applicants' attorney, claims 7 and 18 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over PG '078 in view of WO 98/29075 by Procter & Gamble (hereinafter PG '075).

PG '075 discloses absorbent devices, and more particularly absorbent devices that are worn interlabially by female wearers for catamenial purposes, incontinence protection, or both. The absorbent interlabial device of the present invention comprises a main absorbent portion comprising a pleated structure and a pair of flexible extensions joined to the main absorbent portion. The main absorbent portion comprises an upper portion, and a lower portion opposed to the upper portion. In use, the upper portion is positioned furthest inward into the space between the wearer's labia majora. The pair of flexible extensions extends downwardly and laterally outward from the upper portion of the main absorbent portion, and preferably is capable of maintaining contact with the inside surfaces of the wearer's labia majora when the wearer's body goes through a range of motions, including squatting. Additionally, the flexible extensions are preferably capable of covering the fingertips of the wearer as the absorbent device is inserted into the interlabial space.

PG '075, however, fails to cure the deficiencies of PG '078. As a result, a proper combination of PG '075 and PG '078 would still fail to disclose or suggest the invention called for by the currently presented claims. The structures taught by a proper combination of PG '075 and PG '078 would remain less able to provide desired levels of leakage protection, comfort, flexibility and low irritation during an intended wearing of the article. It is, therefore, readily apparent that a proper combination of PG '075 and PG '078 would not disclose or suggest the invention called for by the currently presented claims.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

Claims 1-34 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1-33 of copending Application No. 10/036,635 in view of WO 98/57609 to Procter & Gamble.

A Provisional Terminal Disclaimer is enclosed. In view of the provisional terminal disclaimer, it is respectfully submitted the provisional, obviousness-type double patenting rejection has been overcome.

The prior art made of record and not relied upon has been considered pertinent to Applicants' disclosure. It is readily apparent that such art does not disclose or suggest Applicants' claimed invention.

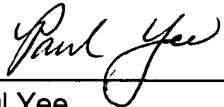
For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of Applicants' presented claims are earnestly solicited.

Please charge any prosecutorial fees that are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

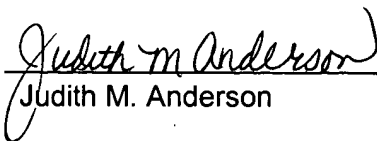
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Enclosure

#### CERTIFICATE OF MAILING

I, Judith M. Anderson, hereby certify that on November 21, 2003 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Judith M. Anderson